

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:99-M-210-BR

UNITED STATES OF AMERICA

v.

SHERROD H. MAIR

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ORDER

This matter is before the court on defendant's 2 July 2008 motion for a hearing pursuant to 18 U.S.C. § 4247(h) to determine whether he still meets the criteria for commitment under 18 U.S.C. § 4243. On 6 October 2008, the undersigned held a video-conference hearing to make such a determination.

By order dated 10 September 1998, defendant was committed to the custody of the Attorney General by Mark S. Utecht, Military Judge, pursuant to 18 U.S.C. § 4243(e). Under 18 U.S.C. § 4243(d), defendant has the burden of proving to the court by clear and convincing evidence that his release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect. Based on the evidence presented at the hearing, defendant has failed to meet this burden. The court finds that defendant thus continues to meet the criteria for commitment pursuant to 18 U.S.C. § 4243. It is hereby ORDERED that defendant remain in the custody of the Attorney General for treatment in a suitable facility pursuant to 18 U.S.C. § 4243.

This 7 October 2008.



W. Earl Britt
Senior U.S. District Judge